

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:18CR26
)	
Plaintiff,)	JUDGE JAMES G. CARR, SR.
)	
v.)	
)	
KARL J. ROGERS,)	
)	
Defendant.)	<u>PRELIMINARY ORDER OF FORFEITURE</u>

1. On January 10, 2018, a federal grand jury sitting in this district returned a one count Indictment against Karl J. Rogers, charging him with a violation of 18 U.S.C. § 2252(a)(2).

2. The Indictment further sought forfeiture pursuant to 18 U.S.C. § 2253 of all visual depiction described in Title 18, United States Code, Section 2252, and all books, magazines, periodicals, films, videotapes, and other matter which contain any such visual depictions, which were produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; (ii) all property, real, and personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and (iii) all property, real and personal, used to commit or to promote the commission of such offense and all property traceable to such property; including, but not limited to the following:

- a. Cannon Camera, model ds6041, seized on December 13, 2017;
- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;
- f. My Passport Ultra, HD portable hard drive, ltb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;

- h. (4) Zip Disks, seized on December 13, 2017;
- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

3. On March 6, 2019, a jury found Karl Rogers guilty of violations of 18 U.S.C. § 2252 as charged in Count 1 of the indictment.

4. On October 8, 2019, in the Judgment filed in this case on October 8, 2019, this Court ordered the following regarding forfeiture:

As a result of the foregoing offense, Karl J. Rogers shall forfeit to the United States: (i) all visual depictions described in 18 U.S.C. § 2252, and all books, magazines, periodicals, films, videotapes, and other matter which contain any such visual depictions, which were produced, transported, mailed, shipped or received in violation of 18 U.S.C. Chapter 110; (ii) all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offense charged in Count 1; and, (iii), all property, real and personal, used – or intended to be used-to commit or to promote the commission and or any book, magazine, periodical, film, videotape, and other matter which contain any such visual depiction, which were produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; and/or any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and/or any property, real or personal, used or intended to be used to commit or to promote the commission of the offense charged in Count 1 and all or any property traceable to such property; including, but not limited to, the following which was December 13, 2017:

- a. Cannon Camera, model ds6041, seized on December 13, 2017;
- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;
- f. My Passport Ultra, HD portable hard drive, 1tb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;
- h. (4) Zip Disks, seized on December 13, 2017;

- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

5. By virtue of the foregoing, the United States is entitled to possession of the subject property pursuant 18 U.S.C. § 2253.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. The United States is hereby authorized to seize the following properties, and they are hereby forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n) [as incorporated by 18 U.S.C. § 2253]:

- a. Cannon Camera, model ds6041, seized on December 13, 2017;
- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;
- f. My Passport Ultra, HD portable hard drive, 1tb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;
- h. (4) Zip Disks, seized on December 13, 2017;
- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

2. The above forfeited properties are to be held by the United States in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish, on an official government internet site (www.forfeiture.gov), for at least 30 consecutive days, notice of this Order, notice of the intent of the United States to dispose of the forfeited properties in such manner as the Attorney General may direct, and notice that any person, other than defendant, Karl J. Rogers, having or claiming a legal interest in the forfeited properties, must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of any actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the forfeited properties, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited properties, and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the forfeited subject properties, as a substitute for published notice as to those persons so notified.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n).

IT IS SO ORDERED this ____ day of _____, 2019.

JAMES G. CARR, SR.
UNITED STATES DISTRICT JUDGE